IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4972 of 1999
With
FIRST APPEAL NO 5692 of 1999

HON'BLE MR.JUSTICE KSHITIJ R.VYAS

and

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VIDYARTHI SAHAYAK SANSTHA

Versus

BHARTIBEN W/O ASHOKKUMAR JADHAV

Appearance:
MR MC SHAH for Petitioner No. 1-5
MR KC SHAH for Petitioner No. 1-5
RULE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE KSHITIJ R.VYAS
and
HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 19/03/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE KSHITIJ R.VYAS)

1. The plaintiffs as well as the defendants of Civil Suit No.722 of 1993 have filed these two appeals challenging the judgement and decree dated 30th April 1999 passed by the Second Joint Civil Judge (Senior Division), Vadodara.

2. The appellant no.3 of First Appeal No.4972/99 and respondent no.3 of First Appeal No.5692/99 Shri A Moreshwar Dhapare has expired and therefore with the consent of the parties his name is deleted.

2. The appellant nos.2, 3, 4 and 5 of First Appeal No.4922/99 are the Trustees of appellant no.1 Trust. The Appellant no.1 Trust has passed a unanimous Resolution dated 7.2.2004 to settle the dispute with the appelant of First Appeal No.5692/99. Accordingly the parties have arrived at a settlement and Consent Terms have been placed on record. On behalf of the appellant no.1 Trust, the Trustees Shri V.G. Kale and Mr. C.Y. Mahajan are present in Court. Smt. Bhartiben Ashokkumar Jadhav is also present in Court. The parties admit their signatures on the Consent Terms and the same are verified by Mr. K.C. Shah and Mr. A.R. Majmudar, learned Advocates for the respective parties.

3. The Consent terms and the Resolution dated 7.2.2004 are taken on record. As per the terms of the Consent Terms, the draft of Rs.4,75,000/- is handed over by the original defendant Smt. Bhartiben Ashokkumar Jhadav to the plaintiff Trust.

4. As agreed in the Consent Terms, the judgement and decree passed in Special Civil Suit No.722/1993 is set aside and fresh decree shall be drawn in terms of the Consent Terms. The parties are directed to abide by the Consent Terms. Accordingly First Appeal No.4972/99 is dismissed and First Appeal no.5692/1999 is allowed. No order as to costs.

[KSHITIJ R. VYAS, J.]

[K.S. JHAVERI, J.]

ar